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International Court of Justice

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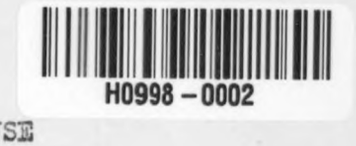

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

28 June 1946

COMMISSIONER:

M. Martin Havard

CORPS OF POLITICAL LEADERS

(The Commission reconvened at 1530 hours)

EDUARD KUEHL, a witness, took the stand and testified as follows:

M. MARTIN HAVARD: The witness is reminded that he is still under ~~xxx~~ oath.

THE WITNESS: Yes.

DIRECT EXAMINATION RESUMED

BY DR. BERGE (Defense Counsel for the Political Leaders)

Q. If I recall correctly, before we were interrupted we discussed the conferences of the Political Leaders in the Gau?

A. Yes.

Q. As far as I can recall, the conferences which concerned the Political Leaders of the district were put on the record.

A. Yes, that is right.

Q. You had affirmed thefact that these conferences were neither secret nor closed sessions and the subject matter had nothing to do with what the Political Leaders are being charged here in Nurnberg?

A. That is correct.

Q. The following questions will be the last concerning this particular subject matter. Did any meetings or conferences or get-togethers take place in the district to which you belonged as a Political Leader during which any discussion took place on matters pertaining to a possibly planned conspiracy or such like?

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A. No meetings ever took place within my district in which Political Leaders participated which discussed questions which here became the object of these charges.

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Noll
28 June 1946
Kuehl

Q. Are you acquainted with the order by Hitler pertaining to restricted material, which prescribed that important military and State matters should be referred only to those who had to handle such things?

A. Yes; this general order also was applied to the entire Party.

Q. The Nurnberg Trials have uncovered a great many crimes which took place before the war. Is it possible, on the basis of this order, that the Political Leiters did not know about that?

A. I certainly can say so for the people on the kreis level.

Q. There is in existence a publication of the Party which, while not secret, is certainly confidential, called "Der Hoheitstraeger." Up to what rank was this publication delivered to the leaders?

A. Down to, and including, the ortsgruppenleiter.

Q. Here I wish to state expressly that block and zellen leiters did not receive the publication, "Der Hoheitstraeger." Further questions, which I shall put to you now, refer to the relationship of the Political Leiters to the SS. The Organizations Book, which has been mentioned heretofore, offers certain matters showing that the hoheitstraegers are said to have the right to commit the SA and the SS in certain cases. What do you have to say about that?

A. These articles do not conform to the facts. In reality, the hoheitstraeger had no right to give directives to the SA or the SS.

Q. In the Organizations Book, the SS is drawn as a Gliederung of the Party. Is that what it was in reality?

A. Theoretically, one can talk of the SS as being a gliederung of the Party, but in practice only up to 1934--up to the Roehm affair. Up to then the SS was an organization attached to the, at that time, Chief of Staff Roehm. It then became an independent organization under the leadership of Himmler. Its connections with the Party decreased in importance.

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Q. I wish to ask you some questions pertaining to this point. You have just explained to us that the Political Leiters did not have any authority of commitment. How about, in your district, the influence and possible direction of the activity of the SA or SS?

A. The SA and the SS were entirely independent gliederungen with their own authority.

Q. I am particularly interested in the SS, because the SS took upon themselves an ever-widening circle of State authority. Did the higher Political Leiter ~~x~~ level have any chance to exercise an influence on the SS?

A. ~~Many~~ Nobody, not even the gauleiter.

Q. I should like to have that illuminated by practical examples. Were the Political Leiters in any way connected with the installation, operation, or supervision of the concentration camps?

A. No, not at all.

Q. Would it have been possible--or do you know of any cases where ~~xx~~ Political Leiters tried to arrange for the release of concentration camp inmates?

A. I can make the following explanation ~~for~~ for the Kreis Stade, which was my district. This district has 85,000 inhabitants. From 1936 to ~~1945~~ 1945 I did not know anyone, nor did I hear of anyone, who was thrown into a concentration camp.

Q. Is that possibly due to the fact that the Political Leiters did not know anything of either the inside happenings of the concentration camps or the administration of the concentration camps?

A. At ~~x~~ none of the conferences which took place, which the Party officials attended, was the theme of concentration camps discussed.

Q. I want to summarize once more the question: There was no possible way by which the Political Leiters could have informed ~~hhemselves~~ of the events in the concentration camps?

H0998 - 0006

A. No; the permission was never given.

Q. I have heard several Political Leiters of your rank before the Commission. They have said that, on the basis of their ever-increasing police powers, the SS considered themselves a state within a state.

A. ~~COLONEL GRIFFITH-JONES~~ Col. Dodd: I do not think it is necessary to tell the witness what other witnesses have testified before him.

M. MARTIN-HAVARD: Will you please repeat the question.

BY DR. BERGES:

Q. I have heard several witnesses in respect to the relationship between the Political Leiters and the SS, as you have described it. Essentially, these witnesses have testified along the same lines as you have.

M. MARTIN-HAVARD: It is not necessary that this witness knows the testimony of other witnesses. Will you please put your question without referring to other testimony.

BY DR. BERGES:

Q. I want at this point to ask you, on the basis of your testimony: I am correct, am I not, in saying that the behavior of the SS was that of a state within a state?

A. Yes, I agree with that wholeheartedly, on the basis of my knowledge as burgomeister as well as that of Political Leiter. Neither the administration nor the Party had any influence whatsoever on the SS.

Q. I shall now turn to the several charges. The Political Leiters, in Paragraph Six of the Statute, are charged with a conspiracy which for its purpose had the persecution and elmination of Jews. What did you, as a Political Leiter of your district, know of the intended solution of the Jewish problem?

A. We did not know anything about the intentions of the State leadership in that respect. On the basis of the Party Program we thought that this

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problem would be solved legally and excluded all those actions which might be considered crimes against human rights.

Q. Did you know of the concept of final solution?

A. No; it was completely unknown to me.

Q. Do you know today what was meant by final solution?

A. I have heard about this only now, in Nurnberg.

Q. Will you please tell us what you have heard.

A. SS members and higher leaders of the SS here have informed me that there were three stages. The first stage was up to, approximately, the outbreak of the war; during those years it was a matter of, more or less, emigration of the Jews. From 1939 to 1942, they attempted to amalgamate all the Jews.

M. MARTIN-HAVARD: So that the question is of interest, we should like to know where the witness has gotten this information in Nurnberg.

DR. BERGES: As far as I am concerned, I am only interested in the final solution. Where and when he heard about it, I will ask him now.

A. I have heard about it here in the prison in conversation with SS leaders... Since 1942, measures of destruction were taken; and they were thought to be the final solution.

Q. I want to ask you this question, which is particularly relevant/ Regarding the charge of conspiracy as far as the persecution of the Jews is concerned. Was an agreement or an assumed agreement with the measures against the Jews compatible with the anti-Semitic attitude of you Political Leiters?

A. No; I can give a negative attitude to this question for myself and for all the Political Leiters in my district. I base my statement on the following facts: When, in the nightof the 8-9 November 1938, the apartments of the Jews in Hamburg and other cities were demolished, both the population and the Political Leiters also rejected that procedure very strongly.

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DR. BERGES: May I interrupt the witness, please? Witness, by naming Hamburg, did you merely want to give an example of a large city?

WITNESS: Yes.

BY DR. BERGES:

Q. What happened in your district on the night of the 10-11 November, sometimes characterized as "Krist All" night?

A. Nothing, in the district of the ortsgruppe. In the city of Stalle, certainly, property damage was done; several windows were broken, and the offices of the bank were demolished.

Q. Did any organized units participate in these excesses?

A. I only know this whole incident by hearsay, and I heard at the time that neither SA nor Political Leiters participated in a formation.

Q. Well, who was said to have done it?

A. It is said that a very few men had gotten together and had caused the damage.

Q. The Prosecution has submitted a circular which emanated from Heydrich and came down through the police offices. The circular says that the police officers were to contact the competent Political Leiters--and the individual Political Leiters are named.

A. I know nothing about this Heydrich circular. This is the first time I have heard of it. But I want to explain that the district, Stade...

Q. Who was charged with the deportation of Jews?

A. The State authorities.

Q. In connection with these occurrences, confiscations of property took place. Do you know any Political Leiters subordinate to you, or acquaintances of yours, who enriched themselves on such property or real estate?

A. I do not know of a single case.

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Q. I want to question you briefly regarding the church persecutions. The Prosecution here also charges that the persecution of ministers and members of religious orders was part of a unified and pre-arranged plan. Do you know anything at all of this?

A. There could not have been such a plan, because, neither in the Gau Schleswig-Holstein nor in the Gau Osthannover, ~~xxx~~ did I ever heard anything about such measures.

Q. Are you acquainted with the so-called "religion stop" order by Hitler?

A. This is the first time I have heard about that.

Q. That may be a matter of the designation. ~~What~~ What were Hitler's basic orders for the Party after the start of the war in religious matters?

A. After the start of the war, the discussion of the church question was absolutely prohibited.

Q. Did any of yourinterior authorities ~~xx~~ ask you to resign from the church?

A. No; I am still a member of the church, and have never received any suggestion or order to resign from the church.

Q. Have you asked any of your subordinate Leiters to resign from the church, or suggested it to them?

A. Basically, I never have paid much attention to church matters, and I have never made the appointment of ~~x~~ Political Leiters dependent upon their resigning from the church.

Q. Within the district for which you are competent, were any church festivals or religious functions ever disturbed or stopped by Political Leiters?

A. I do not know of a single case like that. In general, there was a very good relationship between the Political Leiters and the competent ministers. Some of the ministers even belonged to the Party. ~~The Reichsleiter~~ In my own district, in 1937, a minister applied for membership in the Party. The Reichsleiter

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refused his application, saying that it was assumed that the entrance of a minister into the Party was not desirable for philosophical reasons--in order that the clergyman, Superintendent Schnues, should not be brought into any conscience conflicts.

Q. I am turning now to the treatment of foreign labor. Will you give us the number of foreign laborers employed during your term of office?

A. In my ortsgruppe, about 400. In the Kreis Stade, about 7,000.

Q. What years do these figures pertain to?

A. The last figure pertains to 1944. The firgure pertaining to the orts-grupps refers to 1943.

Q. Who was the immediately responsible authority for the shelter, food, and treatment of foreign workers?

A. The wehrmacht was responsible for the care and shelter of prisoners of war. Where it was a matter of civilian foreign labor in larger factories, the responsibility rested with the DAF. The employment office was responsible for the shelter of individual workers working on farms, etc.

Q. There was no immediate responsibility on the part of Political Leiters?

A. No.

Q. In connection with the treatment of foreign laborers, the Prosecution has submitted a document to me, D 884. It emanated from the Gaustabsamtsleiter, Strasbourg. It informs us that foreign female laborers experienced abortions. Named are Icelandic female laborers and Polish women. In order to evaluate the guilt pertaining to this question, it is important to know whether these abortions were involuntary, or whether they were performed at the request of the women concerned.

A. I do know the basic directives on which these affairs are based. The directive stated expressly that an abortion was permitted to be perfomned only if the pregnant woman herself signed the application. It was only

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possible if such an application was made expressly. Compulsory abortions, without agreement of the pregnant woman, were not permitted.

Q. The distribution key of this letter, which I do not want to go into any further, mentions a long list of Party offices. It starts with the gauamtsleiter of the German Labor Front, and goes by way of the gaufrauenschaftleitung through the offices of race, policy, public health, etc. Does this distribution show that the offices which were enumerated in the distribution key have anything to do with the abortions mentioned here?

A. No, the Party offices only received this material for information. Generally the burgermeister received applications for abortions. They took them to the Reich physicians' chamber; there they were examined in regard to their permissability. Finally they were transferred to a hospital for action.

Q. In conclusion I should like to know from you whether you have received any reports regarding a bad situation in respect to shelter, food, and treatment of foreign laborers.

A. In my capacity as kreisleiter or ortsgruppenleiter, I received several times directives from the Commissioner for Labor, Sauckel. In these directives, Sauckel requested decent treatment and decent food for foreign labor. We Political Leiters made these directives the subject of discussion in our official meetings. I myself, in public meetings, represented and demonstrated these intentions of Sauckel. When I heard of cases where foreign labor was not treated as demanded, I informed the competent labor office in Stade.

Q. Was foreign labor protected by German law against rape and maltreatment?

A. Yes. I know of several judicial decisions which penalized Germans.

Q. The Prosecution concludes from the directives which concerns itself with a decent and humane treatment of foreign labor, that this directive became necessary because a large number of mistreatments and inhumane treatments were said to

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have taken place before this directive was formulated. After the issuance of this directive, was there any basic change in the treatment of foreign labor?

A. No, I can't say so. I believe these directives of Sauckel were distributed after his appointment as general plenipotentiary for labor, because the number of foreign laborers brought into Germany had increased considerably. I do not know of any mistreatment of foreign laborers. Two cases were reported to me in which the employers did not behave to foreign laborers in the way required. I took steps without the foreign laborers' having complained to me. In two cases I had measures taken against policemen who, I was told, had beaten foreign laborers.

Q. The last point I want to bring up is the maltreatment of enemy fliers who performed emergency landings. Your statements, if I understood you correctly, particularly for the last years of the war refer to the gau of Osthannover. Did any emergency landings of enemy fliers take place there?

A. Yes. There were numerous cases of Allied fliers making emergency landings.

Q. What was the reaction of the population to these fliers?

A. Basically, the population felt that the fliers who performed emergency landings had to be treated as prisoners of war.

Q. For my information, I should like you to tell me whether this population was mostly Catholic or Protestant.

A. It was a Protestant gau.

Q. Did the Political Leiters take any steps to change the attitude of the population toward enemy fliers? The Prosecution submits two documents on that point. One document consists of an article from the "Volkischer Beobachter" signed by Propaganda Minister Goebbels. The second document contains a pertinent directive by Bormann.

COLONEL GRIFFITH-JONES: I would be grateful if I could have the

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number of the Goebbels article.

DR. BERGES: I will submit it later.

By DR. BERGES:

Q. Both Goebbels'and Bormann's writings attempt to influence the attitude of the population toward enemy fliers. We must admit that one can see in these articles a certain incitement of the population. Did the Political Leiters mind these directives of Goebbels and Bormann?

A. No. I know the article by Goebbels. I do not recall having received a directive of such kind by Bormann. I do know that, during official conferences with the ortsgruppenleiter, this question was discussed. At this meeting, I basically represented the point of view that emergency-landed fliers were to be treated as prisoners of war under any and all circumstances. I never heard of any case of lynch justice against enemy fliers.

DR. BERGES: No further questions.

CROSS-EXAMINATION

By COLONEL GRIFFITH-JONES:

Q. It was through the Political Leiters and their staffs that the Nazi Party administered and controlled the State, was it not?

A. No. One cannot say so.

Q. Without the gauleiters and their staffs, the kreisleiters and their staffs, and the ortsgruppenleiters and their staffs, could the Nazi government have continued in Germany?

A. No. Without that, the entire structure, the entire organization, the spine, would have been missing.

Q. The ortsgruppenleiter could never have performed his task and his duties without the zellen and block leiters?

A. Those were the aids which he needed.

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Q. Now, can you say whether the Corps of Political Leiters, the men holding those positions, approved of the anti-Semitism policy of the Nazi government?

A. I think, when we are talking of anti-Semitic policies, then we see before our eyes today that those measures were taken by the State but not by the Party.

Q. Perhaps I didn't make myself clear. Did the mass of people holding offices in the Corps of Political Leiters approve of the functions that were taken against Jews throughout the years, 1933-1945?

A. No.

Q. Did the mass of the people occupying office in the Corps of Political Leiters approve of the system of forced foreign labor working in Germany?

A. The compulsory foreign labor was considered to be a measure of the war.

Q. Do you think that the government was justified in bringing millions of people into Germany into what, in effect, was nothing less than slavery?

A. I wish to make the following short remark: In Germany, even before the war, a great number of workers were drafted. The Party was ignorant of the compulsory matters in the East, or perhaps in other countries. All we knew was about the soliciting offices, or the offices of the labor exchanges who now worked as soliciting offices outside.

Q. I don't want to go on with that too long. I will accept that. Did the people who held offices as Political Leiters in general approve of the system of concentration camps and arrests without trial?

A. I have already stated this morning that, between the years 1936-1945, I personally did not know a single person who was thrown into a concentration camp. I merely heard of the concentration camps of Dachau and Oranienburg. Other Political Leiters of our district also were familiar with these matters. All we knew, and all that we were told, was that habitual criminals and anti-social elements were sent there.

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Q. Very well. Did you ever hear of the Gestapo?

A. Yes.

Q. Did you approve of that as an organization?

A. Regarding the Gestapo in the district of Stade, I can declare that their measures and actions were thoroughly humane. Inhabitants who had anything to do with the Gestapo assured me of that repeatedly.

Q. So that, as faraas you knew it, you approved of the Gestapo?

A. Yes, as far as I knew of it.

Q. Did youax approve of the SS?

A. Yes, thoroughly, regarding the measures which I knew up to the outbreak of the war.

Q. Very well. You told us that the responsibility for housing and caring for the civilian foreign laborers was in the hands of the DAF?

A. Yes, as far as the work of foreign laborers in larger factories was concerned.

Q. If you can ax answer "yes" or "no", it saves so much time ax and so much writing. Do you know that, in a directive issued by Sauckel on the 7 May 1942, in connection with the procuring of foreign labor and of its care and welfare, he laid it down that, in the German gaus, the gauleiter would have the rights of inspection and control in the execution of that order? I refer to PS 3044. Do you know that, a year later, in May 1943, Bormann issued a circular to Reichsleiters, Gauleiters, kreisleiters, and ortsgruppenleiters, in connection with the treatment of foreign labor. Do you remember ever seeing that particular circular?

A. I do not know of this dx definite circular. We received numerous orders.

Q. It is PS 205. The circumstances of that circular was to this effect, that the treatment of foreign laborers was to be improved in order to raise their production. Do you remember it?

A. Yes.

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Q. It says this: "The foreign workers employed within the Reich are to be treated in such a manner that their xxx reliability is retained and expedited, and that unfavorable consequences to the Reich be limited to a minimum."

A. That is very well known because the employers themselves were very much interested; they wanted efficient production. For the Kreis Stade I wish to say that this directive did not bring about any change.

Q. That directive says that injustices, insults, xxxx trickery, mistreatments, etc., must be discontinued. Had the gauleiters, with their rights of inspection, during the course of that year permitted injustices, trickery, and mistreatments to slave laborers in Germany?

A. No. They were entirely disapproved.

Qx DR. BERGES: May I ask to have the original text submitted, since xxxx I recall the place a little differently.

COLONEL GRIFFITH-JONES: I will get it. Perhaps I can bring it up Monday morning.

MMX M. MARTIN-HAVARD: It is ten minutes to five. I think we could adjourn now. You have, probably, more questions to ask, and the Russian Prosecution too.

COLONEL GRIFFITH-JONES: Yes.

M. MARTIN-HAVARD: At that time, we shall have the document.

(The Commission adjourned at 1650 hours.)

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The foregoing is a true and correct transcript of the testimony of EDUARD KUEHL, taken on 28 June 1946.

June Overington
Reporter (pp 1 - 2)

D J Noll
Reporter (pp 3 - 15)

CERTIFIED TO :

Martin - Harrow
Commissioner

H0998 - 0018

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A. Yes, that is right.

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A. That is correct.

Q. The following questions will be the last concerning this particular subject matter. Did any meetings or conferences or get-togethers take place in the district to which you belonged as a Political Leader during which any discussion took place on matters pertaining to a possibly planned conspiracy or wuch like?

A. No meetings ever took place within my district in which Political Leaders participated which discussed questions which here became the object of these charges.

H0998 - 0019

Q. Are you acquainted with the order by Hitler pertaining to restricted material, which prescribed that important military and State matters should be referred only to those who had to handle such things?

A. Yes; this general order also was applied to the entire Party.

Q. The Nurnberg Trials have uncovered a great many crimes which took place before the war. Is it possible, on the basis of this order, that the Political Leiters did not know about that?

A. I certainly can say so for the people on the krics level.

Q. There is in existence a publication of the Party which, while not secret, is certainly confidential, called "Der Hoheitstraeger". Up to what rank was this publication delievered to the leaders?

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Q I am particularly interested in the SS, because the SS took upon themselves an ever-widening circle of State authority. Did the higher Political Leiter level have any chance to exercise an influence on the SS?

A Nobody, not even the gauleiter.

Q I should like to have that illuminated by practical examples. Were the Political Leiters in any way connected with the installation, operation, or supervision of the concentration camps?

A No, not at all.

Q Would it have been possible---or do you know of any cases where Political Leiters tried to arrange for the release of concentration camp inmates?

A I can make the following explanation for the Kreis Stade. Which was my district. This district has 85,000 inhabitants. From 1936 to 1945 I did not know anyone, nor did I hear of anyone, who was thrown into a concentration camp.

Q Is that possible due to the fact that the political Leiters did not know anything of either the inside happenings of the concentration camps or the administration of the concentration camps?

A At none of the conferences which took place, which the Party Officials attended, was the theme of concentration camps discussed.

Q I want to summarize once more the question: There was no possible way by which the Political Leiters could have informed themselves of the events in the concentration camps?

A No; the permission was never given.

Q I have heard several Political Leiters of your rank before the Commission They have said that, on the basis of their ever-increasing police powers, the SS considered themselves a state within a state.

COLONEL OSLOV: I do not think it is necessary to tell the witness what other witnesses have testified before him.

M. MARTIN-HAVARD: Will you please repeat the question.

H0998 – 0020

BY DR. BERGES:

Q I have heard several witnesses in respect to the relationship between the Political Leiters and the SS, as you have described it. Essentially, these witnesses have testified along the same lines as you have.

M. MARTIN-HAVARD: It is not necessary that this witness knows the testimony of other witnesses. Will you please put your question without referring to other testimony.

BY DR. BERGES:

Q I want at this point to ask you, on the basis of your testimony: I am correct, am I not, in saying that the behavior of the SS was that of a state within a state?

A Yes, I agree with that wholeheartedly, on the basis of my knowledge as burgermiester as well as that of Political Leiter. Neither the administration nor the party had any influence whatsoever on the SS.

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A We did not know anything about the intentions of the State leadership in that respect. On the basis of the Party Program we thought that this problem would be solved legally and excluded all those actions which might be considered crimes against human rights.

Q Did you know of the concept of final solution?

A No; it was completely unknown to me.

Q Do you know today what was meant by final solution?

A I have heard about this only now. in Nurnberg.

Q Will you please tell us what you have heard.

A SS members and higher leaders of the SS here have informed me that there were three stages. The first stage was up to, approximately, the outbreak of the war; during those years it was a matter of, more or less, emigration of the Jews. From 1939 to 1942, they attempted to amalgamate all the Jews.

M. MARTIN-HAVARD: So that the question is of interest, we should like to know where the witness has gotten this information in Nurnberg.

DR. BERGES: As far as I am concerned, I am only interested in the final solution. Where and when he heard about it. I will ask him now.

H0998-0021

A I have heard about it here in the prison in conversation with SS leaders. . . Since 1942, measures of destruction were taken; and they were th thought to be the final solution.

Q I want to ask you this question, which is particularly relevant, regarding the charge of conspiracy as far as the persecution of the Jews is concerned Was an agreement or an assumed agreement with the measures against the Jews compatible with the anti-Semitic attitude of you Political Leiters?

A No; I can give a negative attitude to this question for myself and for all the Political Leiters in my district. I base my statement on the following facts: When, in the night of the 8-9 November 1938, the apartments of the Jews in Hamburg and other cities were demolished, both the population and the Political Leiters also rejected that procedure very strongly.

DR. BERGES: May I interrupt the witness, please? Witness, by naming Hamburg, did you merely want to give an example of a large city?

WITNESS: Yes.

BY DR. BERGES:

Q What happened in your district on the night of the 10-11 November, sometimestimes characterized as "Krist All"night?

A Nothing, in the district of the ortsgruppe. In the city of Stalle, certainly, property damage was done; several windows were broken, and the offices of the bank were demolished.

Q Did any organized units participate in these excesses?

A I only know this whole incident by hearsay, and I heard at the time that neither SA nor Political Leiters participated in a formation.

Q Well, who was said to have done it.

A It is said that a very few men had gotten together and had caused the damage.

Q The Prosecution has submitted a circular which emanated from Heydrich and came down through the police offices. The circular says that the police officers were to contact the competent Political Leiters--and the individual Political Leiters are named.

A I know nothing about this Heydrich circular. This is the first time I have heard of it. But I want to explain that the district, Stade. . .

Q Who was charged with the deportation of the Jews?

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A The State authorities.

Q In connection with those occurrences, confiscations of property took place. Do you know any Political Leiters subordinate to you, or aquaintances of yours, who enriched themselves on such property or real estate?

A I do not know of a single case.

Q I want to question you briefly regarding the church persecutions. The Prosecution here also charges that the persecution of ministers and members of religious orders was part of a unified and pre-arranged plan. Do you know any thing at all of this?

A There could not have been such a plan, because, neither in the Gau Schleswig-Holstein nor in the Gau Osthannaver, did I ever hear anything about such measures.

Q Are you aquainted with the so-called "religion stop" order by Hitler?

A This is the first time I have heard about that.

Q That may be a matter of the designation. What were Hitler's basic orders for the Party after the start of the war in religious matters?

A After the start of the war, the discussion of the church question was absolutely prohibited.

Q Did any of your interior authorities ask you to resign from the church?

A No; I am still a member of the church, and have never received any suggestion or order to resign from the church.

Q Have you asked any of your subordinate Leiters to resign from the church or suggested it to them?

A Basically, I never have paid much attention to church matters, and I have never made the appointment of Political Leiters dependant upon their resigning from the church.

Q Within the district for which you are competent, were any church festivals or religious functions ever disturbed or stopped by Political Leiters?

A I do not know of a single case like that. In general, there was a very good relationship between the Political Leiters and the competent ministers. Some of the ministers even belonged to the Party. In my own district, in 1937, a minister applied for membership in the Party. The Reichsleiter refused his application, saying that it was assumed that the entrance of a minister into the Party was not desirable for philosophical reasons--in order that the clergy-

man, Superintendant Schnuss, should not be brought into any conscience conflict.

Q I am turning now to the treatment of foreign labor. Will you give us the number of foreign laborers employed during your term of office?

A In my ortsgruppe, about 400. In the Kreis Stade, about 7,000.

Q What years do these figures pertain to?

A The last figure pertains to 1944. The figure pertaining to the ortsgruppe refers to 1943.

Q Who was immediately responsible authority for the shelter, food, and treatment of foreign workers?

A The Wehrmacht was responsible for the cafe and shelter of prisoners of war. Where it was a matter of civilian foreign labor in larger factories, the responsibility rested with the DAF. The employment office was responsible for the shelter of individual workers working on farms, etc.

Q There was no immediate responsibility on the part of Political Leiters?

A No.

Q In connection with the treatment of foreign laborers, the Prosecution has submitted a document to me, D 884. It emanated from the Gaustabsamtsleiter, Strasbourg. It informs us that foreign female laborers experienced abortions. Named are Icelandic female laborers and Polish women. In order to evaluate the guilt pertaining to this question, it is important to know whether these abortions were involuntary, or whether they were performed at the request of the women concerned.

A I do not know the basic directives on which these affairs are based. The directive stated expressly that an abortion was permitted to be performed only if the pregnant woman herself signed the application. It was only

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possible if such an application was made expressly. Compulsory abortions, without agreement of the pregnant woman, were not permitted.

Q The distribution key of this letter,which I do not want to go into any further, mentions a long list of Party offices. It starts with the Gauamtsleiter of the German Labor Front, and goes by way of the gaufrauenschaftleitung through the offices of race, policy, public health etc. Does this distribution show that the offices which were enumerated in the distribution key have anything to do with the abortions mentioned here?

A No, the party offices only received this material for information. Generally the burgomeister received applications for abortions. They took them to the Reich physicians' chamber; there they were examined in regard to their permissibility. Finally they were transferred to a hospital for action.

Q In conclusion I should like to know from you whether you have received any reports regarding a bad situation in respect to shelter, food and treatment of foreign laborers.

A In my capacity as Kreisleiter or ortsgruppenleiter, I received several times directives from the Commissioner for Labor, Sauckel. In these directives, Sauckel requested decent treatment and decent food for foreign labor. We Political Leiters made these directives the subject of discussion in our official meetings. I myself, in public meetings, represented and demonstrated these intentions of Sauckel. When I heard of cases where foreign labor was not treated as demanded, I informed the competent labor office in Stade.

Q Was foreign labor protected by German law against rape and maltreatment?

A Yes. I know of several judicial decisions which penalized Germans.

Q The Prosecution concludes from the directive which concerns itself with a decent and humane treatment of foreign labor, that this directive became necessary because a large number of mistreatments and inhumane treatments were said to have taken place before this directive was formulated. After the issuance of this directive, was there any basic change in the treatment of foreign labor?

A No, I can't say so. I believe these directives of Sauckel were

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distributed after his appointment as general plenipotentiary for labor, because the number of foreign laborers brought into Germany had increased considerably. I do not know of any mistreatment of foreign laborers. Two cases were reported to me in which the employers did not behave to foreign laborers in the way required. I took steps without the foreign laborers' having complained to me. In two cases I had measures taken against policemen who, I was told, had beaten foreign laborers.

Q The last point I want to bring up is the maltreatment of enemy fliers who performed emergency landings. You r statements, if I understood you correctly, particularly for the last years of the war, refer to the gau of Osthannover. Did any emergency landings of enemy fliers take place there?

A Yes. There were numerous cases of Allied fliers making emergency landings.

Q What was the reaction of the population to these fliers?

A Basically, the population felt that the fliers who performed emergency landings had to be treated as prisoners of war.

Q For my information, I should like you to tell me whether this population was mostly Catholic or Protestant.

A It was a Protestant gau.

Q Did the Political Leiters take any steps to change the attitude of the population toward enemy fliers? The Prosecution submits two documents on that point. One document consists of an article from the "Voelkischer Beobachter" signed by Propaganda Minister Goebbels. The second document contains a pertinent directive by Bormann.

COLONEL GRIFFITH JONES: I would be grateful if I could have the number of the Goebbels article.

DR. BERGES: I will submit it later.

BY DR. BERGES:

Q Both Goebbels' and Bormann's writings attempt to influence the attitude of the population toward enemy fliers. We must admit that one can see in these articles a certain incitement of the population. Did the Political Leiters mind these directives of Goebbels and Bormann?

A No. I know the article by Goebbels. I do not recall having received a directive of such kind by Bormann. I do know that, during an

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official conference with the ortsgruppenleiter, this question was discussed. At this meeting, I basically represented the point of view that emergency-landed fliers were to be treated as prisoners of war under any and all circumstances. I never heard of any case of lynch justice against enemy fliers.

DR. BERGES: No further questions.

CROSS EXAMINATION

BY COLONELGRIFFITH JONES:

Q It was through the Political Leiters and their staffs that the Nazi Party administered and controlled the state, was it not?

A No. One cannot say so.

Q Without the gauleiters and their staffs, the kreisleiters and their staffs, and the ortsgruppenleiters and their staffs, could the Nazi government have continued in Germany?

A No. Without that, the entire structure, the entire organization, the spine, would have been missing.

Q The ortsgruppenleiter could never have performed his task and his duties without the zellen and block leiters?

A Those were the aids which he needed.

Q Now, can you say whether the Corps of Political Leiters, the men holding those positions, approved of the anti-Semitism policy of the Nazi government?

A I think, when we are talking of anti-Semitic policies, then we see before our eyes to-day that those measures were taken by the State but not by the Party.

Q Perhaps I didn't make myself clear. Did the mass of people holding offices in the Corps of Political Leiters approve of the functions that were taken against Jews throughout the years, 1933-1945?

A No.

Q Did the mass of the people occupying office in the Corps of Political Leiters approve of the system of forced foreign labor working in Germany?

A The compulsory foreign labor was considered to be a measure of war.

Q Do you think that the government was justified in bringing millions of people into Germany into what, in effect, was nothing less than slavery?

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A I wish to make the following short remark: In Germany, even before the war, a great number of workers were drafted. The Party was ignorant of the compulsory matters in the East, or perhaps in other countries. All we knew was about the soliciting offices, or the offices of the labor exchanges who now worked as soliciting offices outside.

Q I don't want to go on with that too long. I will accept that. Did the people who held offices as Political Leiters in general approve of the system of concentration camps and arrests without trial?

A I have already stated this morning that, between the years 1936-1945, I personally did not know a single person who was thrown into a concentration camp. I merely heard of the concentration camps of Dachau and Oranienburg. Other Political Leiters of our district also were familiar with these matters. All we knew, and all that we were told, was that habitual criminals and anti-social elements were sent there.

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Q Very well. Did you ever hear of the Gestapo?

A Yes.

Q Did you approve of that as an organization?

A Regarding the Gestapo in the district of Stade, I can declare that their measures and actions were thoroughly humane. Inhabitants who had anything to do with the Gestapo assured me of that repeatedly.

Q So that, as far as you knew it, you approved of the Gestapo?

A Yes, as far as I knew of it.

Q Did you approve of the SS?

A Yes, thoroughly, regarding the measures which I knew up to the outbreak of the war.

Q Very well. You told us that the responsibility for housing and caring for the civilian foreign laborers was in the hands of the DAF?

A Yes, as far as the work of foreign laborers in larger factories was concerned.

Q If you can answer "yes" or "no", it saves so much time and so much writing. Do you know that, in a directive issued by Sauckel on the 7 May 1942, in connection with the procuring of foreign labor and of its care and welfare, he laid it down that, in the German gaus, the gauleiter would have the rights of inspection and control in the execution of that order? I refer to PS 3044. Do you know that, a year later, in May 1943, Bormann issued a circular to Reichsleiters, Gauleiters, Kreisleiters a nd ortsgruppenleiters, in connection with the treatment of foreign labor. Do you remember ever seeing that particular circular?

A I do not know of this definite circular. We received numerous orders.

Q It is PS 205. The circumstanes of that circular was to this effect, that the treatment of foreign laborers was to be improved in order to raise their production. Do you remember it?

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Q It says this: "The foreign workers employed within the Reich are to be treated in such a manner that their reliability is retained and expedited, and that unfavorable consequences to the Reich be limited to a minimum."

A That is very well known, because the employers themselves were very much interested; they wanted efficient production. For the Kreis Stade I wish to say that this directive did not bring about any change.

Q That directive says that injustices, insults, trickery, mistreatments, etc., must be discontinued. Had the gauleiters, with their rights of inspection, during the course of that year permitted injustices, trickery, and mistreatments to slave laborers in Germany?

A No. They were entirely disapproved.

DR. BERGES: May I ask to have the original text submitted, since I recall the place a little differently.

COLONEL GRIFFITH-JONES: I will get it. Perhaps I can bring it up Monday morning.

M. MARTIN-HAVARD: It is ten minutes to five. I think we could adjourn now. You have, probably, more questions to ask, and the Russian Prosecution too.

COLONEL GRIFFITH-JONES: Yes.

M. MARTIN-HAVARD: At that time, we shall have the document.

(The Commission adjourned at 1650 hours.)

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The foregoing is a true and correct transcript of the testimony of EDUARD KUEHL, taken on 28 June 1946.

June Overington
Reporter

D. J. Noll
Reporter

CERTIFIED TO:

Martin-Havard
Commissioner